

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

XAVIER SIMMS

Date of Original Judgment: 04/21/2023

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 22 CR 528 (VB)

USM No: 97104-509

Joseph A. Vita, Esq.

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 57 months is reduced to 51 months.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 04/21/2024 shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/14/2024



Judge's signature

Effective Date: _____
(if different from order date)

Vincent L. Briccetti, U.S.D.J.

Printed name and title